

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

NANCY JEWETT,

Plaintiff,

Case No.: 3:13-cv-341

vs.

COMMISSIONER OF
SOCIAL SECURITY,

Magistrate Judge Michael J. Newman
(Consent Case)

Defendant.

ORDER AND ENTRY: (1) GRANTING PLAINTIFF'S UNOPPOSED MOTION FOR ATTORNEY FEES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT ("EAJA") (DOC. 14); AND (2) AWARDING EAJA FEES IN THE AMOUNT OF \$4,798.00 IN ADDITION TO REIMBURSEMENT OF COSTS IN THE AMOUNT OF \$400.00

This case is before the Court on Plaintiff's motion for attorney's fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), requesting attorney's fees in the amount of \$4,798.00 and reimbursement for costs in the amount of \$400.00. Doc. 14-1. The Commissioner did not file any opposition to counsel's motion for fees/costs and the time for doing so has expired. Accordingly, the Court deems Plaintiff's motion as unopposed. The undersigned has carefully considered Plaintiff's unopposed motion and the attachments thereto, and the motion for attorney's fees/costs is now ripe for decision.

EAJA provides for an award of attorney's fees to a party who prevails in a civil action against the United States "when the position taken by the Government is not substantially justified and no special circumstances exist warranting a denial of fees." *Bryant v. Comm'r of Soc. Sec.*, 578 F.3d 443, 445 (6th Cir. 2009) (citing 28 U.S.C. § 2412(d)(1)(A)). A party who prevails and obtains a Sentence Four remand is a prevailing party for EAJA purposes. *See Shalala v. Schaefer*, 509 U.S.

292, 301-02 (1993). EAJA fees are payable to the litigant. *Astrue v. Ratliff*, 586 U.S. 586, 589 (2010).

Without dispute, Plaintiff is the prevailing party in this case for EAJA purposes and, therefore, is entitled to an award of attorney's fees/costs under EAJA. *See Shalala*, 509 U.S. at 301-02. Plaintiff's counsel advises the Court that he worked 26.20 hours on this case. Doc. 14-5 at PageID 824. At the requested amount of \$4,798.00, this calculates as \$183.13 per hour -- an hourly rate that is not challenged by the Commissioner. Plaintiff's counsel also advises the Court that he spent \$400.00 on the District Court's filing fee. *Id.* Having reviewed the timesheet entries submitted by Plaintiff's counsel, and considering the nature of the work counsel performed in this case, the Court finds the hourly fee, the time expended, and costs reasonable. Accordingly, Plaintiff is entitled to an EAJA fees award in the amount of \$4,798.00, plus \$400.00 in costs.

Based upon the foregoing: (1) Plaintiff's unopposed motion (doc. 14) is **GRANTED**; (2) Plaintiff is **AWARDED** the sum of \$4,798.00 in EAJA fees and \$400 in costs; and (3) as no further matters remain pending for review, this case remains **TERMINATED** upon the Court's docket.

IT IS SO ORDERED.

Date: July 6, 2015

s/ Michael J. Newman
Michael J. Newman
United States Magistrate Judge